

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLENE MAJOR,

Plaintiff(s),

No. C 12-4444 PJH

v.

ORDER OF DISMISSAL

KAISER PERMANENTE,

Defendant(s).


By order filed May 10, 2013, the court granted defendant's motion to dismiss plaintiff's complaint with leave to amend. The amended complaint was to be filed no later than June 7, 2013. That date has passed and no amended complaint has been filed. Generally, the failure to comply with a court-ordered deadline to file an amended complaint would result in a dismissal with prejudice. However, on the docket is a minute order reflecting that the case settled in full at a settlement conference with Magistrate Judge James on June 5, 2013. Accordingly, instead of a dismissal with prejudice for failure to file an amended complaint, the court **ORDERS** this case dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within sixty days, with proof of service thereof on the opposing party, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for a hearing on an order to show cause regarding the failure to file an amended complaint.

If no certification is filed, after passage of sixty days, the dismissal shall be **with** prejudice. The parties may, of course, substitute a dismissal **with** prejudice at any time

1 during this sixty day period.

2 IT IS SO ORDERED.

3 Dated: June 14, 2013



PHYLLIS J. HAMILTON
United States District Judge

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